

CITY OF CLEWISTON
Regular Commission Meeting
February 19, 2018

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, February 19, 2018. The meeting was called to order at 5:30 p.m. by Mayor Gardner. Pastor Raul Zaldivar of the First Baptist Church gave an opening prayer and Cub Scout Pack 619 led the audience in reciting the Pledge of Allegiance.

Commissioners Present: Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Julio Rodriguez and Commissioner Phillip Roland. Commissioner Kristine Petersen was absent.

Personnel Present: Interim City Clerk Mary K. Combass, Finance Director Shari Howell, Police Chief Aaron Angell, Public Works Director Sean Scheffler, Community Development Director Travis Reese, Utilities Director Danny Williams, Compliance Manager Lynne Mila, City Engineers Tommy Perry and Scott Jones and City Attorney Gary Brandenburg.

Visitors Present: Asa and Betty Godsey, Chris Felker, Jerry Cochrane, Andy Tilton, Jacob Williams, Pedro Diaz, Raoul Bataller, David Vaughan, Evan Reif and Raul Zaldivar.

CALL MEETING TO ORDER

PRAYER AND PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry stated there are additional agenda items and requested the order of the items be changed. Mayor Gardner requested the agenda items be considered in the following order: 3B, 2, 3, 3A and 4 and asked for a motion to approve.

Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to approve the order of the agenda items as Mayor Gardner requested. Vote 4 yeas, 0 nays (Commissioner Petersen was absent)

1. Consent Agenda

A. *Commission Meeting Minutes – February 5, 2018*

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve the Consent Agenda. Vote 4 yeas, 0 nays (Commissioner Petersen was absent)

PRESENTATION OF CUB SCOUT PACK 619 – David Vaughan, Chartering Organization Representative

Mr. David Vaughan addressed the Commission and stated the Cub Scout Pack 619 was recently restarted and is off to a good start. He then introduced Evan Reif, the Cub Scout District Representative. Mr. Reif stated that he is the District Executive that serves the Big Lake District around Lake Okeechobee. He explained how hard it is to bring in scouts and expressed that he is hopeful and also proud to have the cub scouts here in a community that supports them. Mayor Gardner stated that the City looks forward to hearing more from the pack in the community.

RESOLUTIONS

3B. Resolution No. 2018-06 – Resolution No. 2018-06 authorizes the Mayor to sign the Asset Purchase Agreement between the City of Clewiston and Florida Power and Light Company.

Mayor Gardner summarized Resolution No. 2018-06 and City Attorney Brandenburg stated the agreement is to sell equipment and an easement to Florida Power and Light. He then described the two changes that will be made to the contract. He stated the title of Exhibit B will be changed because they are only getting an easement and not fee simple title to the property. He also stated the closing date will be changed to read that it shall be no later than

June 1, 2018. Commissioner Roland asked when the Vero Beach sale will happen. Mr. Jacob Williams of FMPA addressed the Commission and stated the closing should be sometime between July 1, 2018 and October 1, 2018. Mayor Gardner then read Resolution No. 2018-06 by title and stated Attorney Brandenburg's recommended changes will have to be made to the Asset Purchase Agreement.

Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2018-06 with Attorney Brandenburg's recommended changes made to the Asset Purchase Agreement. Vote 4 yeas, 0 nays (Commissioner Petersen was absent)

2. **Resolution No. 2018-03** – Resolution No. 2018-03 approves amendments to the St. Lucie Power Sales Contract and Project Support Agreement; consents to the transfer and assignment of a 15.202% power entitlement share in the St. Lucie Project; consents to amendments of the St. Lucie Power Sales Contract and Project Support Agreement; provides for the mutual release for obligations and claims related to FMPA; provides for the mutual waiver and release of the City of Vero Beach, Florida from obligations related to the St. Lucie Project; and provides for the assignment of certain rights and obligations under the St. Lucie Power Sales Contract and Project Support Contract.

Mayor Gardner summarized Resolution No. 2018-03 and City Attorney Brandenburg stated that this is the first of two resolutions necessary for the Commission to approve the Vero Beach sale and the Florida Power and Light purchase to proceed forward. He reminded the Commission the City hired outside counsel to review the transaction and provided them with a copy of Attorney Baird's memo which indicates that he will sign off on the opinion letters that FMPA has asked for. Mayor Gardner then read Resolution No. 2018-03 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2018-03. Vote 4 yeas, 0 nays (Commissioner Petersen was absent)

3. **Resolution No. 2018-04** – Resolution No. 2018-04 approves Amendment No. 2 to the All-Requirements Power Supply Project; consents to the transfer and assignment of a 32.521% power entitlement share in the Stanton Project, a 16.4887% power entitlement share in the Stanton II Project and a 15.202% power entitlement share in the St. Lucie Project; consents to the waiver of certain of the All-Requirements Power Supply Project Contract; provides for the mutual release for obligations and claims related to FMPA; provides for the mutual waiver and release of the City of Vero Beach, Florida from obligations and claims related to the All-Requirements Power Supply Project; and provides for the assignment of certain rights and obligations under the Vero Contracts.

Mayor Gardner summarized Resolution No. 2018-04 and Attorney Brandenburg stated this is the second resolution necessary for the Commission to approve the Vero Beach sale and the Florida Power and Light purchase to proceed forward. He also stated this resolution waives the City's right to request the same changes that Vero Beach has been granted but it does not waive the City's right to request the same changes in the future. He further stated that Attorney Baird has indicated in his memo that he is ready to sign off on the opinion that is requested by FMPA. He then confirmed this resolution deals with the entitlement share in the Stanton Project and St. Lucie Project. Mayor Gardner then read Resolution No. 2018-04 by title.

Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2018-04. Vote 4 yeas, 0 nays (Commissioner Petersen was absent)

Mayor Gardner asked Attorney Brandenburg to continue to keep the Commission informed as this process goes forward. She also thanked Jacob Williams of FMPA for coming and City staff for their hard work. Mr. Williams thanked City Attorney Brandenburg and Mayor Gardner for their support.

- 3A. **Resolution No. 2018-05** – Resolution No. 2018-05 approves an agreement titled "Interlocal Agreement Between Hendry County and City of Clewiston Relating To Building Inspection Services". The agreement provides the ability for the City of Clewiston to request the

services of a Hendry County building inspector to perform building permit inspections as necessary.

Mayor Gardner summarized and read Resolution No. 2018-05 by title. City Manager Perry stated this agreement, if approved, will allow the City to use Hendry County's building official up to 12 hours per week at \$65 per hour. He also stated that the City's building official has been very busy and this agreement would allow the City to use the County's building official 6 hours each day on Tuesdays and Thursdays. Finance Director Shari Howell confirmed the expense was not budgeted and explained that, because a longtime employee recently retired in that department and even though the employee will be replaced, there is enough money to fund the service this year. She added that the department's annual budget will increase by approximately \$9,000 if the same agreement is in place next year. She also stated that it was figured the approximate total annual cost for the service would be \$39,000 which is based on 50 weeks per year or 600 hours per year. Community Development Director Travis Reese stated that he found the cost to be considerably more if a private provider was used. He also stated that with his duties as Fire Marshal and Building Official, he can't keep up with all of the inspections. Director Reese confirmed the agreement could be terminated at any time and the services would be used on an as needed basis. City Attorney Brandenburg confirmed that he has reviewed and approved the agreement.

Commissioner Roland made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2018-05. Vote 4 yeas, 0 nays (Commissioner Petersen was absent)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

4. **Award of 2018 Pickup Truck Bid** – The City advertised for bids for two (2) new half-ton pickup trucks and one (1) new three-quarter ton flatbed truck on January 4, 2018. Invitations to Bid were also delivered to Hub City, Sam Galloway Ford, Plattner Automotive Group and Alan Jay. The only bid submitted, in the amount of \$25,902 for each new half-ton pickup truck and \$34,196.40 for the new three-quarter ton flatbed truck by Alan Jay, was opened on February 14, 2018.

City Manager Perry stated that all three vehicles will replace vehicles are no longer in service and these purchases were discussed and approved during the budget process.

Commissioner Roland made a motion, seconded by Vice Mayor Atkinson, to award the bid for the two (s) new half-ton pickup trucks to Alan Jay in the amount of \$25,902 each and the bid for the new three-quarter ton flatbed truck to Alan Jay in the amount of \$34,196.40. Vote 4 yeas, 0 nays (Commissioner Petersen was absent)

Before the vote, Finance Director Howell confirmed the purchase of the trucks was budgeted.

5. **Departmental Monthly Activity Reports** – Presented for information only.

PUBLIC COMMENTS – none

COMMENTS FROM CITY MANAGER – City Manager Perry stated the Food Truck Invasion group was terminated. He informed the Commission there is another food truck group that he would like to try and asked the Commission to respond to his email with their preference of dates for the event. Commissioner Rodriguez suggested the events not be held every month. Mayor Gardner suggested the events be promoted with other family gatherings.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Mayor Gardner asked if there is any updated information on the Police Department renovations. Police Chief Aaron Angell stated that he is still waiting on the complete set of plans, which are anticipated to be ready by the end of February.

Commissioner Rodriguez asked what type of business is going in across the street from Popeye's. Director Reese stated that he thinks it is another automotive repair shop and there may have been some code issues. Mayor Gardner asked City Manager Perry to make sure any code issues have been resolved.

Commissioner Rodriguez next asked for an update on the Hampton Inn. City Manager Perry stated the contractor, GO Underground, that is installing the new water line, is moving very quickly.

Vice Mayor Atkinson asked if there was an update on recycling. Public Works Director Sean Scheffler stated that he did not have anything new.

Vice Mayor Atkinson next stated that Public Works Director Scheffler had provided a list of locations of asphalt failure to him. He feels the City should invest a little money and have the areas fixed properly so that more money is not spent later. Director Scheffler distributed a copy of the list to the Commission. Mayor Gardner asked Director Howell to look at the budget and requested this matter to be placed on the agenda for next month's first meeting.

Vice Mayor Atkinson then asked what the funds from the sale of the substation could be used for. Mayor Gardner stated the funds had to go back to utilities reserves so that capital improvement projects that have been on hold could be done.

Mayor Gardner asked Director Williams for an update on the Master Lift Station Rehabilitation Project. Director Williams stated they went online today but there are still a few things left to do. He also stated the project was successful and City Engineer Jones did a great job. City Engineer Jones stated the grant for this project is through DEP and documents will be sent to DEP requesting reimbursement for the two payments made to the contractor.

ADJOURNMENT

The meeting was adjourned at 6:09 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk